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GREAT WESTERN FINANCIAL CORPORATION EMPLOYEE
WELFARE PLAN; WASHINGTON MUTUAL BANK; and
WASHINGTON MUTUAL. INC. FLEXIBLE BENEFITS PLAN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARY L. FELICIANO,

Plaintiff,

vs.

GREAT WESTERN FINANCIAL
CORPORATION LONG TERM DISABILITY
PLAN, et al.,

Defendants.

) Case No.: C06-05458 SI

)

) **STIPULATION AND [PROPOSED] ORDER**
) **EXTENDING TIME TO COMPLETE**
) **MEDIATION, AND FOR BRIEFING AND**
) **HEARING OF SUMMARY JUDGMENT**
) **CROSS-MOTIONS**

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WHEREAS, at the case management conference ("CMC") on June 1, 2007 in the above action,
which arises under the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. § 1001 et seq.,
the Court directed plaintiff Mary Feliciano and defendants Great Western Financial Corporation Employee

STIP AND PROPOSED ORDER EXTENDING TIME

Welfare Plan, Washington Mutual Bank and Washington Mutual, Inc. Flexible Benefits Plan (collectively, “the parties”), to complete private mediation by August 10, 2007;

WHEREAS, at the CMC on June 1, 2007 the Court further set a briefing schedule and hearing date for summary judgment cross-motions in which defendants’ opening motion brief is due on September 7, 2007, plaintiff’s combined motion opposition and opening cross-motion brief is due on September 21, 2007, defendants’ combined cross-motion opposition and motion reply brief is due October 5, 2007, plaintiff’s cross-motion reply brief is due October 12, 2007, and a hearing is set at 9:00 a.m. on October 26, 2007;

WHEREAS, the parties (through counsel) diligently attempted to schedule the mediation but had difficulty selecting a mutually agreeable mediator, and had multiple discussions regarding a variety of mediators before finally agreeing on David Meadows;

WHEREAS, due to press of business and vacation schedules, the earliest date that is mutually available for the parties, their counsel and Mr. Meadows is in early October 2007, and the parties have tentatively agreed on a mediation date of October 10, 2007;

WHEREAS, in the interest of judicial economy and conserving the resources of the parties and the Court, the parties wish to participate in the mediation before incurring the time and expense of preparing and filing opening briefs for cross-motions for summary judgment;

WHEREAS, none of the parties will be prejudiced by extension of the deadlines for completing mediation and for briefing and hearing of summary judgment cross-motions;

WHEREAS, the parties will endeavor in good faith to attempt resolution of this dispute at the mediation, and are concerned that the possibility of a successful mediation will be reduced if their litigation expenses are increased by their preparation and filing of summary judgment briefs prior to the mediation;

NOW, THEREFORE, the parties hereby stipulate to and mutually request that the Court grant an extension of the deadline for completing mediation to October 10, 2007, and grant an extension of the briefing schedule and hearing date for summary judgment cross-motions so that defendants’ opening motion brief is due on October 19, 2007, plaintiff’s combined motion opposition and opening cross-motion brief is due on November 2, 2007, defendants’ combined cross-motion opposition and motion reply brief is

STIP AND PROPOSED ORDER EXTENDING TIME

09-04-2007 12:38pm From-

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1 due November 16, 2007, plaintiff's cross-motion reply brief is due November 30, 2007, and a hearing is set
 2 at 9:00 a.m. on December 14, 2007.

3 Dated: September 4, 2007

Law Offices of Stephen M. Fuerch

By: 

Stephen M. Fuerch
 Attorneys for Plaintiff,
 Mary L. Feliciano

8 Dated: September 4, 2007

SEDGWICK, DETERT/MORAN & ARNOLD LLP

By: 

Rebecca A. Hull
 Michael N. Westheimer
 Attorneys for Defendants,
 Great Western Financial Corporation Employee Welfare
 Plan; Washington Mutual Bank; and Washington Mutual,
 Inc. Flexible Benefits Plan

15 Good cause appearing, IT IS HEREBY ORDERED that deadline for completing mediation in the
 16 above action is extended to October 10, 2007, the briefing schedule and hearing date for summary
 17 judgment cross-motions is extended so that defendants' opening motion brief is due on October 19, 2007,
 18 plaintiff's combined motion opposition and opening cross-motion brief is due on November 2, 2007,
 19 defendants' combined cross-motion opposition and motion reply brief is due November 16, 2007,
 20 plaintiff's cross-motion reply brief is due November 30, 2007, and a hearing is set at 9:00 a.m. on
 21 December 14, 2007.

22 IT IS SO ORDERED.

23 DATED: _____

 Hon. Susan Illston
 United States District Judge

27 The November 13, 2007 pretrial conference and the November 26, 2007 trial is vacated. A further case
 28 management conference will be scheduled to occur on Friday, December 14, 2007, at 2:30 p.m.

STIP AND PROPOSED ORDER EXTENDING TIME